

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Kijai Khamisi, et al.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:18cv87
vs.	:	
	:	Judge Susan J. Dlott
Joseph Deters, et al.,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on June 18, 2018 a Report and Recommendation (Doc. 70). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 73) and the defendants filed a response to the objections (Docs. 89, 90 and 91).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, plaintiff Kijai Khamisi's motion for default judgment against the County defendants (Doc. 61) is DENIED.


The Golf Manor defendants' motion to dismiss (Doc. 22) is GRANTED AND DEFENDANTS Matthews and Geraci are DISMISSED from the lawsuit.

The motions to dismiss/motion to stay filed by the County defendants Deters, Anderson,

Shinaman, Pureval, Enderle, Kelly, Bachman, Hayslip, and Neil (Doc. 19) and Judge Ruehlman (Doc. 21) are GRANTED in part. The motions are GRANTED insofar as defendants move to dismiss plaintiff Kijai Khamisi's claims under Fed. R. C iv. P. 12(b)(6). Plaintiff Kijai Khamisi's claims against the County defendants and Judge Ruehlman are DISMISSED under Rule 12(b)(6) for failure to state a claim for relief. The motions are GRANTED insofar as defendants move to stay the claims of plaintiffs Kimberly, Jelani, Ayinde and Kaia Khamisi. The Court will abstain from exercising its jurisdiction over these plaintiffs' claims against the County defendants and Judge Ruehlman, and these plaintiffs' claims against the County defendants and Judge Ruehlman are STAYED pending the conclusion of the state court criminal proceedings.

The County defendants' motions for leave to file a reply in support of their motion to dismiss out of time (Doc. 57) and plaintiffs' "Emergency Affidavit Writ of Habeas Corpus and Show Cause Hearing" (Doc. 25); "(Emergency) Affidavit of Judicial Notice, Injunctive Relief, Show Cause Hearing, and Objection to Defendants Motion to Dismiss" (Doc. 28); "Motion to Stay, and Emergency Injunctive Relief-Show Cause Hearing" (Docs. 37, 46); and motions to take judicial notice (Docs. 65, 66, 67, 68, 69) are DENIED AS MOOT.

IT IS SO ORDERED.

  
Judge Susan J. Dlott  
United States District Court